

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
 BUFFELEN WOODWORKING COMPANY,)
)
 Appellant,)
)
 vs.)
)
 PUGET SOUND AIR POLLUTION)
 CONTROL AGENCY,)
)
 Respondent.)

PCHB Nos. 487 and 487-A

FINDINGS OF FACT, CONCLUSION AND ORDER

These consolidated appeals came on for hearing before Board members, W. A. Gissberg (presiding) and Mary Ellen McCaffree in Tacoma, Washington.

Respondent appeared by its attorney, Keith D. McGoffin; appellant did not appear.

Having considered the evidence and the exhibits and being fully advised, the Board makes and enters the following

FINDINGS OF FACT

I.

On November 5, 1973, there was emitted from the main boiler stack

1 of appellant's building at Lincoln and Taylor Way, Tacoma, Washington,
2 smoke of a density of at least a Ringelmann 2-3/4 to 5 for nine minutes
3 of a thirty minute period. Respondent thereafter served appellant with a
4 Notice of Violation followed by a Notice of Civil Penalty in the amount
5 of \$250.00.

6 II.

7 On December 10, 1973, an emission of smoke for nine consecutive
8 minutes of an opacity of 60 to 70 percent came from the hog fuel boiler
9 stack of appellant's building, for which respondent served its Notice of
10 Violation #8671 upon appellant, followed by imposition of a civil
11 penalty in the amount of \$250.00.

12 III.

13 On December 14, 1973, an emission of smoke for six minutes of a
14 27 minute period having a density ranging from a Ringelmann 3 to 5
15 came from appellant's hog fuel boiler stack.

16 IV.

17 Respondent's Regulation I, Section 9.03, makes it unlawful for any
18 person to cause or allow the emission of any air contaminant for a period
19 or periods aggregating more than three minutes in any one hour, which is:

20 (1) Darker in shade than that designated as No. 2 on the Ringelmann
21 Chart, or

22 (2) Of such opacity as to obscure an observer's view to a degree
23 equal to or greater than does smoke having a 40% density.

24 From these Findings the Pollution Control Hearings Board comes to this
25

26 FINDINGS OF FACT,
27 CONCLUSION AND ORDER

CONCLUSION OF LAW

I.

On each of three separate occasions, appellant violated respondent's Regulation I. The civil penalties, each in the amount of \$250.00 should be sustained.

Therefore, the Pollution Control Hearings Board issues this

ORDER

The appeals are denied and the civil penalties are affirmed.

DONE at Lacey, Washington this 20th day of March, 1974.

POLLUTION CONTROL HEARINGS BOARD

W. A. Gissberg
W. A. GISSBERG, Member

Mary Ellen McCaffree
MARY ELLEN McCAFFREE, Member

FINDINGS OF FACT,
CONCLUSION AND ORDER